

**SENATE COMMITTEE ON RULES AND ELECTIONS**

**May 13, 1997 Hearing Room 343**

**3:00 PM Tapes 59 - 61**

**MEMBERS PRESENT:**

**Sen. Randy Miller, Chair**

**Sen. Gene Derfler, Vice-Chair**

**Sen. Neil Bryant**

**Sen. Cliff Trow**

**MEMBER EXCUSED:**

**Sen. Randy Leonard**

**STAFF PRESENT:**

**Jan Nordlund, Administrator**

**Jennifer Peck, Administrative Support**

**MEASURE/ISSUES HEARD:**

**HB 3698 Public Hearing and Work Session**

**SB 1117 Work Session**

**SB 783 Public Hearing and Work Session**

**SB 577 Public Hearing**

**Introduction of Committee Bill**

**These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 59, A</b>		
003	Chair Miller	Opens meeting at 3:14 p.m., presents agenda and opens public hearing on HB 3698.
<b><u>HB 3698 PUBLIC HEARING</u></b>		

		Staff presents proposed -A6 amendments, public testimony, article and letters submitted prior to the meeting ( <b>EXHIBIT A</b> ).
030	Jean Edwards Muir	Farmer, Washington County. Supports HB 3698. States HB 3698 will help conserve prime farmlands and improve quality of life now and in the future.
051	Blair Batson	Represents 1,000 Friends of Oregon. Presents testimony in support of HB 3698 ( <b>EXHIBIT C</b> ). Comments on non-farm development.
079	David Dierdorff	Washington County. Supports HB 3698. Explains when he moved to his current home and land he was told the land would remain farmland. Comments on the protection of farmlands. States a local correction facility does not bother him but the loss of prime land does.
120	Rep. Charles Starr	District 3. Supports HB 3698. Explains the value of the agricultural lands. Comments on SB 541.
161	Sen. Bryant	Asks about the specific language of "predominant."
171	Rep. Starr	Explains "predominant" would probably be the majority of a site.
176	Sen. Derfler	Asks about the fiscal impact.
181	Rep. Starr	Explains the impact comes from the costs of finding a suitable site.
192	Lisa Strader	Facilities Administrator, Department of Corrections (DOC). Presents testimony in opposition to HB 3698 ( <b>EXHIBIT D</b> ). Comments on the limits of HB 3698 which makes the siting process even more difficult.
225	Sen. Derfler	Asks about the fiscal impact.
230	Sue Aiken	DOC. Explains the certificates of participation (COPs).
241	Sen. Derfler	Asks if Aiken has any idea of what the fiscal impact would be were HB 3698 to pass.
244	Aiken	States it would vary on timing.
		Discussion of the sites which have been picked.
260	Strader	Explains the limitation of HB 3698. Explains some of the differences between the chosen sites which would be affected by HB 3698.
276	Chair Miller	Asks if the Legislature should give input on which sites should be chosen.
287	Strader	Comments on the impact of changing the rules in the middle of the process.
296	Chair Miller	Asks if the Legislature should provide guidance before the facility is chosen.
298	Strader	Explains any law changes would be followed.

310	Chair Miller	Asks if HB 3698 would impact the current siting process.
325		Discussion of the current siting process.
338	Aiken	States DOC wants to clarify language. Comments on nominations to the siting authority.
356	Chair Miller	Asks if it would help to use the wording "site" or "construct."
357	Aiken	States it would.
358	Sen. Trow	Asks about the possible fiscal impact.
370	Strader	Comments on the costs of redoing the process in Lane County.
386	Sen. Trow	Asks about COPs. States HB 3698 should have a Ways and Means review.
398	Sen. Bryant	Asks about the possibility of farming the Class I and II soils as part of the corrections facilities procedures.
424	Strader	Comments on new sites and building.
437	Sen. Bryant	Comments it seems the supporters of HB 3698 are concerned with the use of Class I and II soils.
<b>TAPE 60, A</b>		
000	Sen. Derfler	Comments on a percentage of the area being classified.
003	Sen. Trow	Asks if there have been estimates of how much money it costs for making changes in the system of prison siting.
006	Strader	Estimates approximately \$300,000 for the consultants and \$2,000,000 has been spent on the siting process to date.
020	Sen. Trow	Comments on the time and energy which has been spent on the siting.
028	Chair Miller	Explains the high worth of some of the land which has been considered for prison siting.
036	Sen. Trow	States some of the land is already owned by the state.
039	Rick Dobbs	Hillsboro, Oregon. Supports HB 3698. Comments on prison sites being chosen for the ability to build on them, not based on the worth of the land. Comments on the agricultural strength in Oregon which must be protected.
083	Francis Evers	Land owner. Presents testimony in support of HB 3698 ( <b>EXHIBIT E</b> ). Reads a letter from Van Dyke Seed, which uses his land for crops. Explains the quality and high production from his land.
121	Crystal VanderZanden	Farmer. Presents testimony in support of HB 3698 ( <b>EXHIBIT F</b> ). Explains the value of land to farmers, both emotionally and physically. States the farmers should not be treated as criminals by having their land taken away.
153	Don Schellenberg	Oregon Farm Bureau. Presents testimony in support of HB 3698 ( <b>EXHIBIT G</b> ). States two questions should be asked: "Is there a need?" and "Is there an alternative site?"

186	Sen. Bryant	Asks if only one county's property would be considered for alternative sites.
191	Schellenberg	States he does not know. Explains the amendments from the exhibit. States Oregon leads the nation in production of ten major commodities, and agriculture is responsible for 10,000 jobs annually.
244	Schellenberg	States land is a finite but controllable resource, whereas the weather and climate are not. Comments on the definition of "predominantly."
262	Chair Miller	Closes public hearing on HB 3698 and opens work session on HB 3698.
<b><u>HB 3698 WORK SESSION</u></b>		
264	Chair Miller	Suggests adopting amendments.
278	Sen. Trow	Comments on narrowing the focus.
282	Chair Miller	Explains the -6 amendments. Suggests the wording of the amendments presented by Schellenberg.
342	Sen. Derfler	Asks what the process will be for this measure.
345	Chair Miller	<b>MOTION: Moves to ADOPT HB 3698 -A6 amendments dated 5/13/97 AS FURTHER AMENDED to insert "or construct a corrections facility" after "site" in line 3, delete "or forest" in line 8, to delete "or forestlands" in line 9, to delete "or" and insert a comma after "boundary" in line 15, and to delete the period and insert "or the prime, unique, Class I and II soils will be used for farming." after "197.732" in line 16.</b>
346		<b>VOTE: 3-1</b>  <b>AYE: 3 - Bryant, Derfler, Miller</b>  <b>NAY: 1 - Trow</b>  <b>EXCUSED: 1 - Leonard</b>
	Chair Miller	<b>The motion CARRIES.</b>
348	Chair Miller	<b>MOTION: Moves HB 3698 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 3-1</b>  <b>AYE: 3 - Bryant, Derfler, Miller</b>  <b>NAY: 1 - Trow</b>  <b>EXCUSED: 1 - Leonard</b>
		<b>The motion CARRIES.</b>

	<b>Chair Miller</b>	<b>SEN. MILLER will lead discussion on the floor.</b>
360	Chair Miller	Closes work session on HB 3698 and opens work session on SB 1117.
<b><u>SB 1117 WORK SESSION</u></b>		
370		Staff presents proposed -1 amendments to SB 1117 ( <b>EXHIBIT U</b> ).
371	<b>Sen. Derfler</b>	<b>MOTION: Moves to ADOPT SB 1117-1 amendments dated 4/30/97.</b>
	<b>Chair Miller</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
376	<b>Sen. Derfler</b>	<b>MOTION: Moves SB 1117 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-0</b>  <b>AYE: 4 - Bryant, Derfler, Trow, Miller</b>  <b>EXCUSED: 1 - Leonard</b>
	<b>Chair Miller</b>	<b>The motion CARRIES.</b>  <b>SEN. HAMBY will lead discussion on the floor.</b>
381	Chair Miller	Closes work session on SB 1117 and opens public hearing on SB 783.
<b><u>SB 783 PUBLIC HEARING</u></b>		
400	Chair Miller	Explains SB 783.
428	Sen. Derfler	Asks if the agency being audited has any control over the audit.
445	Chair Miller	Comments on the three-year audit requirement.
<b><u>TAPE 59, B</u></b>		
001	Mike Greenfield	Secretary of State's office. Presents testimony in opposition to SB 783 ( <b>EXHIBIT H</b> ). States the division audits what it sees fit.
009	Sen. Derfler	Asks if there is a way to regulate costs.
014	Greenfield	States that the better the controls are in an agency the less expensive audits will be.
025	Sen. Trow	Asks about state agencies which are audited.
034	Greenfield	Comments on the budget policy and audit cycle.
048	Sen. Derfler	Asks about follow-up to agencies on audits.
055	Greenfield	Comments on audit findings which may be reported to the legislature.
071	Sen. Derfler	Asks about the basis for costs.

073	Greenfield	Explains the rolling average of costs.
081	Sen. Derfler	Asks about audits.
085	Greenfield	Explains the payment system.
100	Chair Miller	Comments on some agencies paying more to have audits conducted than other.
120	Greenfield	Comments on the Klamath Falls audit.
125	Sen. Bryant	Asks about the cost of the audit. Asks if there is any RFP bidding from out-of-state firms to perform the same audits.
134	Greenfield	States other firms have been considered and explains the expenses.
145	Chair Miller	Asks if there is currently an audit of the Crook County Schools.
148	Greenfield	States there is.
157	Chair Miller	Asks if the intention is to fully recover the cost of the audit.
167	Sen. Derfler	Asks how the legislature could get the agencies to improve in cases where audits find problems.
170	Greenfield	Comments on audit findings which could be made more helpful through follow-ups.
180	Sen. Derfler	Comments on the legislature setting policy.
186	Greenfield	Comments on the executive branch working more closely with audits.
193	Chair Miller	Closes public hearing on SB 783 and opens work session on SB 783.
<b><u>SB 783 WORK SESSION</u></b>		
195	Chair Miller	<b>MOTION: Moves SB 783 to the floor with a DO PASS recommendation.</b>
	Chair Miller	<b>Hearing no objection, declares the motion CARRIED. SEN. MILLER will lead discussion on the floor.</b>
197	Chair Miller	Closes work session on SB 783 and opens public hearing on SB 577.
<b><u>SB 577 PUBLIC HEARING</u></b>		
210	Velma Hartwig	Christian Coalition, Lincoln County. Presents and reads testimony in support of SB 577 ( <b>EXHIBIT I</b> ). Discusses the benefits of a mother and father as parents.
247	Rollie Smith	Corvallis-Albany Chapter of Parents Families and Friends of Lesbians and Gays (PFLAG). Presents testimony in opposition to SB 577 ( <b>EXHIBIT J</b> ). States homosexuals should have the right to care for their partners within the law.

291	Ron LaDuke	Salem, Oregon. Presents and reads testimony in support of SB 577 ( <b>EXHIBIT K</b> ). Comments that the government has spent money on the protection of homosexuals in the study of AIDS.
342	LaDuke	Comments on homosexuals. Lists some quotes which he states are false.
387	Sen. Bryant	Comments on AIDS funding. States it is important as a nation to support funding for AIDS research.
405	LaDuke	Replies that some of the \$2 billion should be spent to change the efforts of the gay community.
419	Sen. Shannon	District 15. Presents testimony in support of SB 577 ( <b>EXHIBIT L</b> ). States no jurisdiction in the world has ever recognized a marriage between the same sex. Comments on other states' laws concerning same sex marriages.
<b>TAPE 60, B</b>		
001	Sen. Shannon	States SB 577 is not about discrimination. Explains the -1 amendments in the exhibit.
035	Ed Lazzara	Marion County. Presents testimony in opposition to SB 577 ( <b>EXHIBIT M</b> ). Explains his gay marriage deserves to be recognized as he is committed to his partner. States he and his partner are highly moral people. States SB 577 would be an impediment to peace in the community.
081	Kurt Garcia-Ottens	States the government lets citizens choose their beliefs and administers marriage licenses because it is their obligation. States he deserves the same rights as anyone else to marry the one he loves.
111	Alex Tinker	Portland, Oregon. Presents testimony in opposition to SB 577 ( <b>EXHIBIT N</b> ). States his mother and her partner have never had a recognized marriage but are committed to each other and are good parents to him.
137	Mitch Gould	Presents testimony in opposition to SB 577 ( <b>EXHIBIT O</b> ). Explains his love for his partner. Comments on critics to gay marriages.
197	Ron Schlittler	Presents testimony in opposition to SB 577 ( <b>EXHIBIT P</b> ). Comments on a book. Quotes from a letter from Sen. Shannon. Comments on a poll about same-sex marriages wherein 56% of Oregonians did not think a law should be passed which would ban same-sex marriages. Displays two binders full of laws which apply to marriages.
251	Elise Self	PFLAG, Eugene Oregon. Presents and reads testimony in opposition to SB 577 ( <b>EXHIBIT Q</b> ). Explains that she needs to uphold her support of all committed relationships, including her lesbian daughter's relationship.
300	Self	States government should support marriages.

325	Jim Clay	Commission on Children and Families, Portland, Oregon. Describes a conversation he had with his gay son concerning his goals for the future, which include a committed relationship.
377	Clay	Emphasizes SB 577 impacts Oregonians.
400	David Fidanque	Executive Director, American Civil Liberties Union of Oregon. Opposes SB 577. States the passage of SB 577 would lead to institutionalizing more discrimination in Oregon. States the legislature should pass HB 3719.
436	Jean Harris	Executive Director, Basic Rights Oregon. Presents testimony in opposition to SB 577 ( <b>EXHIBIT R</b> ). States she is a mother, grandmother and a baptized Christian. States any time there is a measure which opposes the rights of homosexuals, such as SB 577, there is an increase in violence.
476	Harris	Comments on the religious component. States homosexuals should be allowed marriage rights, even if the state will not recognize the marriage.
<b>TAPE 61, A</b>		
010	Harris	Lists benefits which are not allowed to homosexual couples, which are allowed to heterosexuals.
052	Chair Miller	Asks for an explanation of the support of the Defense of Marriage Act (DOMA) in Congress.
056		Discussion of the Congressional decision on DOMA and its effects.
108	Michael Howden	Oregon Center for Family Policy. Presents testimony in support of SB 577 ( <b>EXHIBIT S</b> ). Comments on Hawaii's latest change which could affect SB 577. Comments on ancient same-sex marriages and the definition of marriage.
165	Howden	States taking a position on defining marriage dictates a standard and is not meant to be hateful. States certain laws may restrict activities, yet it does not mean that the person is valued less.
224	Sen. Trow	Asks if Howden's group is involved in elections.
	Howden	States they are not involved in political parties or candidates.
232		Staff presents testimony submitted prior to meeting ( <b>EXHIBIT T</b> ) on behalf of Rep. Eighmey and public letters and testimony submitted prior to meeting ( <b>EXHIBIT B</b> ).
233	Chair Miller	Closes public hearing on SB 577 and opens work session for possible introduction of new measures.
<b><u>INTRODUCTION OF COMMITTEE BILL</u></b>		
250	Jan Nordlund	Committee Administrator. Explains the draft and introduction



		request.
257	Chair Miller	<b>MOTION: Moves draft and introduction requests concerning campaign finance BE INTRODUCED as a committee bill.</b>
	Chair Miller	<b>Hearing no objection, declares the motion CARRIED.</b>
254	Chair Miller	Closes work session and adjourns meeting at 5:31 p.m.

Submitted By, Reviewed By,

Jennifer Peck, Jan Nordlund,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A - HB 3698, proposed -A6 amendments, staff, 20 pp**

**B - SB 577, public letters and testimony presented prior to meeting, staff, 11 pp**

**C - HB 3698, written testimony, Blair Batson, 2 pp**

**D - HB 3698, written testimony, Lisa Strader, 3 pp**

**E - HB 3698, letter, graphs, and data, Francis Evers, 6 pp**

**F - HB 3698, written testimony, Crystal VanderZanden, 1 p**

**G - HB 3698, written testimony and amendments, Don Schellenberg, 3 pp**

**H - SB 783, written testimony, Mike Greenfield, 1 p**

**I - SB 577, written testimony, Velma Hartwig, 1 p**

**J - SB 577, written testimony, Rollie Smith, 1 p**

**K - SB 577, written testimony, Ron LaDuke, 2 pp**

**L - SB 577, proposed -1 amendments, Sen. Marilyn Shannon, 2 pp**

**M - SB 577, written testimony, Ed Lazzara and Kurt Garcia-Ottens, 1 p**

**N - SB 577, article, Alex Tinker, 4 pp**

**O - SB 577, written testimony, Mitch Gould, 2 pp**

**P - SB 577, articles and written testimony, Ron Schlittler, 4 pp**

**Q - SB 577, written testimony and photo, Elise Self, 3 pp**

**R - SB 577, written testimony, Jean Harris, 2 pp**

**S - SB 577, written testimony and articles, Michael Howden, 18 pp**

**T - SB 577, proposed -2 and -3 amendments, Rep. George Eighmey, 3 pp**

**U - SB 1117, proposed -1 amendments, staff, 1 p**

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